

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PAUL SIMMONS

Plaintiff,

-against-

COMMISSIONER ASST. CRANSTON.,
NYC DEPT. OF CORRECTION;
DEPUTY WARDEN CRIPPS., NYC
DEPT. OF CORRECTION AT AMKC;
DEPUTY WARDEN COLLINS., NYC
DEPT. OF CORRECTION AT AMKC;
CAPTAIN BROWN #915., NYC/DOC
AT AMKC; C.O. LAWRENCE., NYC/
DOC AT AMKC,

Defendants.

MAR 25 2008
MICHAEL J. LUGINGER
UNITED STATES DISTRICT JUDGE
S.D.N.Y.

07 Civ. 3241 (RJH)
(MHD)

3/15/08
Retaliatory Acts

ENDORSED ORDER

Whether plaintiff has a basis to
sue anyone for mail tampering is an
issue on which we can offer no
useful information. In any event, he
does not need court permission to
do so. We cannot order his transfer from one
prison to another.

On Monday, March 17, 2008, I was returned to the custody of the NYC Dep
of Correction. On 3/10/08 I placed two stamps on an envelope and forwarded
the original papers of the terms of settlement in this case agreed upon
and did ipso facto, give them to Ward 31-32 staff for mailing. I called
Mr. Brian G. Maxey, counsel for defendants, only to find in our talk on 3/
18/08, that he never received my papers. I then called another person that
I sent mail to from Mid-Hudson and that mail which I sent out 3/6/08 was
also not received. I made a complaint to the Acting Directing Administrator
Peg Healy about my mail and other legal matters and it is obvious to me as
a result of the issue with my mail that my concerns were never addressed
and has now affected this litigation. I request that action be taken or I
be allowed to sue Mid-Hudson for mail tampering and interference with acc-
ess to the courts.

Second, since returned to AMKC (C-95), I have been pointed out by those
associated to defendants Captain Brown and C.O. Lawrence and I face immi-
nent threats against my health and well-being. I told this to Mr. Maxey who
made no comments. However I did emphasize that I could not settle this case
if I were hurt or retaliated against. I am asking that this court request
for my safety that I be transferred back to GRVC and out of harm's way of
defendants here at AMKC or I can't settle for fear of retaliation. I

Pray for relief sought.

for the payment of this sum, plaintiff agrees to the dismissal of all the claims against defendants Assistant Commissioner Mark Cranston, Deputy Warden Cripps, Deputy Warden Collins, Captain Brown, and Correction Officer Lawrence, their successors, or assigns, and all past and present officials, employees, representatives and agents of the New York City Department of Correction and the City of New York, and the City of New York, from any and all liability, and any and all claims which were or could have been alleged in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendant that it has in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed

upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
March _____, 2008

PAUL SIMMONS
Plaintiff pro se
#12038/Ward 31-32
Mid-Hudson Psychiatric Center
Box 158
New Hampton, NY 10958-0158

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street
New York, N.Y. 10007
(212) 788-0987

By:


PAUL SIMMONS, *Plaintiff pro se*

By:

BRIAN G. MAXEY (BM 0451)
Assistant Corporation Counsel

SO ORDERED:

HON. RICHARD J. HOLWELL
UNITED STATES DISTRICT JUDGE